

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

**Document Cover Sheet**

**PLAINTIFFS**

JONATHAN SILVERMAN, an individual

**DEFENDANTS**

PAYWARD, INC., a Delaware corporation;  
PAYWARD VENTURES, INC., a Delaware corporation; and INFINITUDE,  
LTD., a Delaware corporation

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
Michael L. Braunstein, Esq., 3 Eberling Drive, New City, NY 10956,

[mbraunstein@braunsteinfirm.com](mailto:mbraunstein@braunsteinfirm.com), (845) 642-5062

**ATTORNEYS (IF KNOWN)**

**CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)**

28 USC § 1332

Judge Previously Assigned

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No  Yes

If yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

IS THIS AN INTERNATIONAL ARBITRATION CASE? No  Yes

(PLACE AN [x] IN ONE BOX ONLY)

#### NATURE OF SUIT

## TORTS

## ACTIONS UNDER STATUTES

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 367 HEALTHCARE/			[ ] 375 FALSE CLAIMS
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	[ ] 625 DRUG RELATED	[ ] 422 APPEAL	[ ] 376 QUI TAM
[ ] 130 MILLER ACT	LIABILITY	INJURY/PRODUCT LIABILITY	SEIZURE OF PROPERTY	28 USC 158	[ ] 400 STATE
[ ] 140 NEGOTIABLE	[ ] 320 ASSAULT, LIBEL &	[ ] 365 PERSONAL INJURY	21 USC 881	[ ] 423 WITHDRAWAL	REAPPORTIONMENT
INSTRUMENT	SLANDER	PRODUCT LIABILITY	[ ] 690 OTHER	28 USC 157	[ ] 410 ANTITRUST
[ ] 150 RECOVERY OF	[ ] 330 FEDERAL	[ ] 368 ASBESTOS PERSONAL			[ ] 430 BANKS & BANKING
OVERPAYMENT &	EMPLOYERS'	INJURY PRODUCT			[ ] 450 COMMERCE
ENFORCEMENT	LIABILITY	LIABILITY			[ ] 460 DEPORTATION
OF JUDGMENT	[ ] 340 MARINE	PROPERTY RIGHTS			[ ] 470 RACKETEER INFLU-
MEDICARE ACT	[ ] 345 MARINE PRODUCT	PERSONAL PROPERTY	[ ] 820 COPYRIGHTS		ENCED & CORRUPT
[ ] 151 RECOVERY OF	LIABILITY	[ ] 370 OTHER FRAUD	[ ] 830 PATENT		ORGANIZATION ACT
DEFECTED	[ ] 350 MOTOR VEHICLE	[ ] 371 TRUTH IN LENDING	[ ] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION		(RICO)
STUDENT LOANS	[ ] 355 MOTOR VEHICLE		[ ] 840 TRADEMARK		[ ] 480 CONSUMER CREDIT
(EXCL VETERANS)	PRODUCT LIABILITY			SOCIAL SECURITY	[ ] 490 CABLE/SATELLITE TV
[ ] 153 RECOVERY OF	[ ] 360 OTHER PERSONAL				
OVERPAYMENT	INJURY	[ ] 380 OTHER PERSONAL	LABOR		
OF VETERAN'S	[ ] 362 PERSONAL INJURY -	PROPERTY DAMAGE	[ ] 861 HIA (1395ff)		[ ] 850 SECURITIES/
BENEFITS	MED MALPRACTICE	[ ] 385 PROPERTY DAMAGE	[ ] 862 BLACK LUNG (923)		COMMODITIES/
[ ] 160 STOCKHOLDERS		PRODUCT LIABILITY	[ ] 863 DIWC/DIWV (405(g))		EXCHANGE
SUITS			[ ] 864 SSID TITLE XVI		
[x] 190 OTHER			[ ] 865 RSI (405(g))		
CONTRACT		PRISONER PETITIONS	RELATIONS		[ ] 890 OTHER STATUTORY
[ ] 195 CONTRACT		[ ] 463 ALIEN DETAINEE	[ ] 740 RAILWAY LABOR ACT		ACTIONS
PRODUCT	ACTIONS UNDER STATUTES	[ ] 510 MOTIONS TO	[ ] 751 FAMILY MEDICAL	FEDERAL TAX SUITS	[ ] 891 AGRICULTURAL ACTS
LIABILITY	CIVIL RIGHTS	VACATE SENTENCE	LEAVE ACT (FMLA)	[ ] 870 TAXES (U.S. Plaintiff or	
[ ] 196 FRANCHISE	[ ] 440 OTHER CIVIL RIGHTS	28 USC 2255		Defendant)	[ ] 893 ENVIRONMENTAL
	(Non-Prisoner)	[ ] 530 HABEAS CORPUS	[ ] 790 OTHER LABOR	[ ] 871 IRS-THIRD PARTY	MATTERS
		[ ] 535 DEATH PENALTY	LITIGATION	26 USC 7609	[ ] 895 FREEDOM OF
REAL PROPERTY		[ ] 540 MANDAMUS & OTHER	[ ] 791 EMPL RET INC		INFORMATION ACT
			SECURITY ACT (ERISA)		[ ] 896 ARBITRATION
[ ] 210 LAND	[ ] 441 VOTING		IMMIGRATION		[ ] 899 ADMINISTRATIVE
CONDAMNATION	[ ] 442 EMPLOYMENT	PRISONER CIVIL RIGHTS	[ ] 462 NATURALIZATION		PROCEDURE ACT/REVIEW OR
[ ] 220 FORECLOSURE	[ ] 443 HOUSING/	ACCOMMODATIONS	APPLICATION		APPEAL OF AGENCY DECISION
[ ] 230 RENT LEASE &	[ ] 445 AMERICANS WITH		[ ] 465 OTHER IMMIGRATION		[ ] 950 CONSTITUTIONALITY OF
EJECTMENT	DISABILITIES -	[ ] 550 CIVIL RIGHTS	ACTIONS		STATE STATUTES
[ ] 240 TORTS TO LAND	EMPLOYMENT	[ ] 555 PRISON CONDITION			
[ ] 245 TORT PRODUCT	[ ] 446 AMERICANS WITH	[ ] 560 CIVIL DETAINEE			
LIABILITY	DISABILITIES -OTHER	CONDITIONS OF CONFINEMENT			
[ ] 290 ALL OTHER	[ ] 448 EDUCATION				
REAL PROPERTY					

*Check if demanded in complaint:*

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.  
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?  
IF SO, STATE:

DEMAND \$200000

**OTHER JUDGE**

**DOCKET NUMBER**

*Check YES only if demanded in complaint*

**NOTE:** You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation (Transferred)	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
<input type="checkbox"/> a. all parties represented						<input type="checkbox"/> 8 Multidistrict Litigation (Direct File)
<input type="checkbox"/> b. At least one party is pro se.						

(PLACE AN X IN ONE BOX ONLY)

1 U.S. PLAINTIFF     2 U.S. DEFENDANT     3 FEDERAL QUESTION     4 DIVERSITY  
(U.S. NOT A PARTY)

**BASIS OF JURISDICTION****IF DIVERSITY, INDICATE CITIZENSHIP BELOW.****CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [ ] 1	DEF [ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF [ ] 3	DEF [ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [ ] 5	DEF [ ] 5
CITIZEN OF ANOTHER STATE	[ ] 2	[ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4	[ ] 4	FOREIGN NATION	[ ] 6	[ ] 6

**PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)**

JONATHAN SILVERMAN  
Kings County, NY

**DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)**

PAYWARD, INC., 237 Kearny Street - Suite 102, San Francisco, CA 94108  
 PAYWARD VENTURES, INC., 237 Kearny Street - Suite 102, San Francisco, CA 94108  
 INFINITUDE, LTD., 237 Kearny Street - Suite 102, San Francisco, CA 94108  
 San Francisco County, CA

**DEFENDANT(S) ADDRESS UNKNOWN**

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

**COURTHOUSE ASSIGNMENT**

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: **THIS ACTION SHOULD BE ASSIGNED TO:**     WHITE PLAINS     MANHATTAN

DATE 04042019     SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO  
 YES (DATE ADMITTED Mo. 6 Yr. 1998)  
 Attorney Bar Code # MB2800974

*MB 5973*

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)